

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 513

Introduced by Assembly Member De Leon

(Coauthors: Assembly Members Brownley, Buchanan, Carter, Evans, Fuentes, Furutani, Lieu, Bonnie Lowenthal, Ma, Salas, and Skinner)

(Coauthors: Senators Alquist, Leno, and Pavley)

February 24, 2009

An act to add Section 1367.625 to the Health and Safety Code, and to add Section 10123.875 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 513, as amended, De Leon. Health care coverage: breast-feeding.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer specified types of coverage as part of their health care service plan contracts or health insurance policies. Existing law imposes specified requirements upon a health care service plan contract or health insurance policy that provides maternity coverage.

This bill would require specified health care service plans and health insurers to include coverage for lactation consultation and for the rental

of breast pumps, *as defined*, as part of their health care service plan contracts or health insurance policies that provide maternity coverage.

Because this bill would specify additional requirements under the Knox-Keene Act, the willful violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Breast-feeding significantly reduces children's risk for
3 chronic diseases, such as diabetes, asthma, allergies, and infections
4 in the gastrointestinal, urinary, and respiratory tracts. Breast-fed
5 children have fewer visits to the doctor's office, fewer days of
6 hospitalization, and take fewer medications than children who
7 were formula-fed. Research provides strong evidence that
8 breast-feeding decreases the incidence or severity of diarrhea,
9 lower respiratory infection, otitis media, bacteremia, bacterial
10 meningitis, botulism, and necrotizing enterocolitis. There are a
11 number of studies that show a possible protective effect of
12 exclusive breast-feeding against sudden infant death syndrome
13 (SIDS), insulin-dependent diabetes mellitus, Crohn's disease,
14 ulcerative colitis, lymphoma, allergic diseases, and other chronic
15 digestive diseases. Breast-feeding has also been related to possible
16 enhancement of cognitive development and a decreased chance
17 of obesity in childhood and adulthood. Studies show that
18 breast-feeding also reduces the mother's risk for type 2 diabetes
19 and breast and ovarian cancers.

20 (b) All major health organizations recommend that babies get
21 no other food or drink besides breast milk for the first six months
22 of their life, with continued breast-feeding for at least the first one
23 to two years of life, as long as it is mutually desired. Exclusive
24 breast-feeding for three months has been shown to reduce health
25 care costs for infants in the first year of life alone by up to four

1 hundred seventy-five dollars (\$475), compared to nonbreast-fed
2 infants.

3 (c) Lactation consultation provided by an international board
4 certified lactation consultant (IBCLC) has been shown to help
5 women address the difficulties with breast-feeding and can assist
6 with the initiation and continuance of breast-feeding.

7 (d) Therefore, it is essential to clarify that all health coverage
8 made available to California consumers that provides maternity
9 coverage, whether issued by health care service plans regulated
10 by the Department of Managed Health Care or by health insurers
11 regulated by the Department of Insurance, shall include coverage
12 for lactation consultation by an international board certified
13 lactation consultant (IBCLC) and coverage for the rental of breast
14 pumps.

15 SEC. 2. Section 1367.625 is added to the Health and Safety
16 Code, to read:

17 1367.625. (a) Every health care service plan contract, except
18 a specialized health care service plan contract, that provides
19 maternity coverage, and that is issued, amended, renewed, or
20 delivered on or after January 1, 2010, shall provide coverage for
21 lactation consultation with an international board certified lactation
22 consultant (IBCLC) and for the rental of breast pumps.

23 ~~(b) Nothing in this section shall be construed to mean that a~~
24 ~~health care service plan is not required to provide breast-feeding~~
25 ~~support benefits, including, but not limited to, lactation consultation~~
26 ~~and breast pumps, to women and children enrolled in any of the~~
27 ~~following:~~

28 ~~(1) The Medi-Cal, Healthy Families, or Access to Infants and~~
29 ~~Mothers programs when the health care service plan participates~~
30 ~~in, or has a contract with, any of those programs.~~

31 ~~(2) Private health care coverage where breast-feeding support~~
32 ~~benefits are included as part of maternity or other benefits provided~~
33 ~~by a health care service plan pursuant to a contract in effect before~~
34 ~~January 1, 2010.~~

35 *(b) For the purposes of this section, "breast pump" means an*
36 *FDA-approved reusable breast pump that is considered to be*
37 *durable medical equipment, and meets state or federal quality*
38 *standards for durable medical equipment.*

39 (c) This section shall not apply to specialized health care service
40 plans, Medicare supplement, short-term limited duration health

1 insurance, CHAMPUS-supplement insurance, TRI-CARE
2 supplement, or to hospital indemnity, accident-only, or specified
3 disease plans.

4 SEC. 3. Section 10123.875 is added to the Insurance Code, to
5 read:

6 10123.875. (a) Every policy of health insurance that provides
7 maternity coverage, and that is issued, amended, renewed, or
8 delivered on or after January 1, 2010, shall provide coverage for
9 lactation consultation with an international board certified lactation
10 consultant (IBCLC) and for the rental of breast pumps.

11 ~~(b) Nothing in this section shall be construed to mean that the~~
12 ~~Medi-Cal fee-for-service program or a private insurer is not~~
13 ~~required to provide breast-feeding support benefits, including, but~~
14 ~~not limited to, lactation consultation and breast pumps, to women~~
15 ~~and children enrolled in any of the following:~~

16 ~~(1) Medi-Cal fee-for-service.~~

17 ~~(2) Private health insurance where breast-feeding support~~
18 ~~benefits are included as part of maternity or other benefits provided~~
19 ~~by the insurer pursuant to a policy in effect before January 1, 2010.~~

20 *(b) For the purposes of this section, "breast pump" means an*
21 *FDA-approved reusable breast pump that is considered to be*
22 *durable medical equipment, and meets state or federal quality*
23 *standards for durable medical equipment.*

24 (c) This section shall not apply to specialized health insurance,
25 Medicare supplement, short-term limited duration health insurance,
26 CHAMPUS-supplement insurance, TRI-CARE supplement, or to
27 hospital indemnity, accident-only, or specified disease insurance.

28 SEC. 4. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.